

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Tuesday, December 6, 2011 at the KDWPT Region 2 Office, 300 SW Wanamaker, Topeka, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., December 6 at the location listed above. There will be public comment periods at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. December 7 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-2-2. This permanent regulation establishes motor vehicle permit fees. The proposed amendments negate the option of a second vehicle permit at a reduced price.

Economic Impact Summary: The proposed amendments may generate an additional \$50,000 in FY 2012, all of which would accrue to the park fee fund and would be borne by user fees. Otherwise, the proposed amendments are not anticipated to have any other economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-7-3. This permanent regulation establishes provisions related to the taking of bait fish. The proposed amendments require that wild-caught bait fish be used on the body of water where taken in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-7-6. This permanent regulation establishes bait restrictions for fishing. The proposed amendments merely update the regulation in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-7-10. This permanent regulation establishes special provisions for fishing. The proposed amendments would not allow the transport of live fish from a designated ANS water in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-8-6. This permanent regulation establishes provisions and restrictions for fishing, fish bait and seining on department lands and waters. The proposed amendments would clarify that bait fish taken on department lands and waters must be used where taken in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-8-12. This permanent regulation establishes provisions related to stocking or releasing wildlife. The proposed amendments would prohibit stocking or releasing wildlife on navigable publicly owned waters and federal reservoirs in conjunction with a regulation package designed to prevent the introduction and spread of invasive species.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-30-13. This new permanent regulation establishes removal of vessels from waters of the state. The proposed regulation would require draining of livewells and bilges and drain plugs to be removed from all vessels prior to transport on a public highway.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman

115-2-2. Motor vehicle permit fees. (a) The following motor vehicle permit fees shall be in effect for state parks and for other areas requiring a motor vehicle permit:

April 1 through September 30:

One-day temporary motor vehicle permit.....	\$2.70
Annual motor vehicle permit	22.20
Additional annual motor vehicle permit	12.20

October 1 through March 31:

One-day temporary motor vehicle permit.....	\$2.20
Annual motor vehicle permit	17.20
Additional annual motor vehicle permit	9.70

(b) Each one-day temporary motor vehicle permit shall expire at 2:00 p.m. on the day following its effective date.

(c) Annual motor vehicle permits shall not be valid during designated special events.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-901; effective Jan. 22, 1990; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2007; amended April 8, 2011; amended P-_____.)

115-7-3. Fish; taking and use of bait fish or minnows. (a) Bait fish may be taken for noncommercial purposes by any of the following means:

(1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;

(2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;

(3) a dip or cast net with mesh not larger than 3/8 inch; or

(4) a fishing line.

(b) Each fish trap shall be tagged with the operator's name and address when the fish trap is in use.

(c) Bait fish taken, except gizzard shad, shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 bait fish.

(e) Wild-caught bait fish may be used as live bait only within the pool of a lake or impoundment where taken. If taken on a flowing stream or river, the wild-caught bait fish shall not be transported upstream across any dam or natural barrier.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; ~~implementing K.S.A. 32-807 and K.S.A. 2008 Supp. 32-1002~~; effective Sept. 10, 1990; amended Nov. 20, 2009; amended P-_____.)

115-7-6. Fishing; bait. (a) The following ~~baits~~ types of bait may be used for the taking of fish, frogs, or turtles by legal means and methods:

- (1) Artificial lures;
- (2) bait fish;
- (3) prepared bait;
- (4) vegetable material;
- (5) material or artificial matter attached to a hook; and
- (6) other wildlife, except those species specifically prohibited as bait and those species listed

~~under~~ in K.A.R. 115-15-1 or K.A.R. 115-15-2.

- (b) Animal, vegetable, ~~or~~ and other ~~non-toxic~~ nontoxic material may be used as fish attractants.

This regulation shall be effective on and after January 1, 2012. (Authorized by and
implementing K.S.A. 1989 Supp. 32-807; ~~implementing~~ K.S.A. 1989 Supp. 32-807 and K.S.A. 1989
~~Supp. 32-1002~~; effective Sept. 10, 1990; amended P-_____.)

115-7-10. Fishing; special provisions. (a) A person who takes any fish from a body of water shall not tag, mark, brand, clip any fin of, mutilate, or otherwise disfigure any fish in a manner that would prevent species identification, examination of fins, recovery of tags, or determination of sex, age, or length of the fish before releasing the fish back into the body of water, unless a permit authorizing this activity has been issued by the department.

(b) No person may possess any live fish upon departure from any designated aquatic nuisance body of water. Designated aquatic nuisance waters shall be those specified in the department's "Kansas designated aquatic nuisance waters tables," dated August 25, 2011, which is hereby adopted by reference.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 2008 Supp. 32-1002; effective Nov. 20, 2009; amended P-_____.)

115-8-6. Fishing, fish bait, and seining. Fishing and the taking of fishing bait shall be allowed on department lands and waters, subject to the following general restrictions:

- (a) Fishing shall be prohibited at boat ramps and boat docks closed to fishing by posted notice.
- (b) Fishing shall be prohibited at swimming areas and swimming beaches that are posted as swimming areas or swimming beaches and delineated by buoys or other markers.
- (c) Minnows, bait fish, and other fishing bait may be taken for use as fishing bait only on a noncommercial basis and may be used only in the department-managed water where taken.
- (d) Seining in department-managed waters shall be prohibited.
- (e) The cleaning of fish in state parks shall occur only at designated fish-cleaning stations or other locations as established by the department.
- (f) The use of trot lines and set lines shall be prohibited in the waters of Crawford state park, Meade state park, Scott state park, and all department-managed impoundments under 1,201 surface acres in size.
- (g) Additional restrictions may be established by posted notice.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Dec. 4, 1989; amended Dec. 28, 1992; amended Nov. 29, 1999; amended Nov. 20, 2009; amended P-_____.)

115-8-12. Stocking or releasing of wildlife. Wildlife may be stocked or released on department lands or waters, navigable publicly owned rivers, and federal reservoirs only as authorized by any of the following:

- (a) A written agreement issued by the department;
- (b) a permit issued by the department;
- (c) a department-approved management plan;
- (d) ~~rules and~~ regulations; or
- (e) posted notice.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; implementing K.S.A. 32-807, K.S.A. 32-1002, and K.S.A. 32-1015; effective Dec. 4, 1989; amended July 13, 2001; amended P-_____.)

115-30-13. Removal of vessels from waters of the state. The livewells and bilges shall be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state.

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective P-_____.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-2-2. Motor vehicle permit fees.

DESCRIPTION: This regulation establishes daily and annual permit prices for vehicles entering and using state parks and other areas requiring a motor vehicle permit. This is a user fee for entering and using state parks. The proposed amendments would remove the opportunity to purchase a reduced price 2nd motor vehicle permit.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: Based on average sales over the past three years, it is anticipated that the change could generate approximately an additional \$50,000 in FY 2012 and an additional \$100,000 in FY 2013, all of which would accrue to the park fee fund. The amendments are not anticipated to have any other appreciable economic impact on other agencies or small businesses.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-3. Fish; taking of bait fish or minnows.

DESCRIPTION: This permanent regulation establishes provisions applicable to taking of bait fish in Kansas. The proposed amendment would prohibit taking live wild caught baitfish off of the waters where taken to attempt to prevent the spread of aquatic nuisance species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any substantive economic impact to the department, other state agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: No alternative amendments are being considered at this time.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-6. Fishing; bait.

DESCRIPTION: This permanent regulation establishes provisions applicable to the use of bait in Kansas. The proposed amendments merely update the regulation.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any substantive economic impact to the department, other state agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: No alternative amendments are being considered at this time.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-7-10. Fishing; special provisions.

DESCRIPTION: This permanent regulation establishes special provisions related to fishing.

The proposed amendments would prohibit transporting live fish from designated waters containing aquatic nuisance species.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that there would be no substantive economic impact to the department, other state agencies, small businesses, or the public.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-6. Fishing, fish bait, and seining.

DESCRIPTION: This regulation establishes certain fishing restrictions on department lands and waters. The proposed amendment clarifies bait fish may only be used where taken on department lands and waters.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The department does not anticipate that the amendment would have a substantial economic impact on the public, on the department, small businesses or on other state agencies.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-8-12. Stocking or releasing of wildlife.

DESCRIPTION: This permanent regulation establishes certain restrictions on release of wildlife on department lands or waters. The proposed amendments add federal reservoirs and publicly owned navigable rivers to the list of properties where wildlife may not be released in relation to prevention of aquatic nuisance species from establishing in other locations.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendments are not anticipated to have any appreciable economic impact on the department, other agencies, or the public.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-30-13. Removal of vessels from waters of the state.

DESCRIPTION: This new permanent regulation would establish provisions and restrictions concerning removal of vessels from waters of the state. The proposed regulation would require livewells and bilges be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state in an attempt to prevent the spread of aquatic nuisance species. The proposed regulation would become effective on January, 1, 2012.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: The proposed amendment should not have a significant economic impact on the department, the general public, or other agencies.

ALTERNATIVES CONSIDERED: None.

Document No. _____

KANSAS REGISTER
SUBMISSION FORM

Agency Number -- 710-01

Agency Name -- Kansas Department of Wildlife, Parks and Tourism

Agency Address - 1020 S. Kansas Ave., Suite 200

Topeka, Kansas 66612-1233

Title of Document -- Public Meeting

Desired Date of Publication - October 6, 2011

ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney
Title

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